

Amendment No. 5 to SB1060

Marrero B
Signature of Sponsor

AMEND Senate Bill No. 1060

House Bill No. 891*

By deleting subdivision (b)(1) of Section 2, as amended, and by substituting instead the following:

(b)(1) If a person, corporation, organization, entity or committee pays for or otherwise defrays the charges for publication, broadcast or distribution, or such person, corporation, organization, entity or committee that paid or otherwise defrayed the charges for broadcast or distribution in any other manner, causes to be published, broadcast or distributed any false and defamatory campaign literature or political advertisement relating to the conduct, fitness, or record of any candidate for public office with knowledge of the falsity or with reckless disregard of the truth or falsehood, then such person, corporation, organization, entity, or committee shall be liable upon proof by clear and convincing evidence for damages in a defamation action brought by such candidate.

AND FURTHER AMEND by deleting subdivision (b)(4)(A) of Section 2, as amended, and by substituting instead the following:

(b)(4)

(A) If a person, corporation, organization, entity or committee pays for or otherwise defrays the charges for publication, broadcast or distribution, or such person, corporation, organization, entity or committee that paid or otherwise defrayed the charges for broadcast or distribution in any other manner, causes to be published, broadcast or distributed any false and defamatory campaign literature or political advertisement relating to the conduct, fitness, or record of any candidate for public office, upon being given written notice by such candidate that such campaign literature or political advertisement is false and is considered

defamatory, shall have forty-eight (48) hours to take reasonable steps to correct and to retract such false and defamatory campaign literature or political advertisement. Such notice shall identify with specificity the false and defamatory content in the campaign literature or political advertisement and shall provide a reasonable basis-in-fact demonstrating such falsity and defamation.